

REMARKS

I. INTRODUCTION

Claims 10-23 and 25-31¹ are pending in the present application. Claims 10, 16 and 17 have been amended, and claim 24 has been cancelled. Applicant wishes to thank the Examiner for indicating that claims 17-19 contain allowable subject matter, accordingly Applicant has amended claim 17 to reflect the Examiner's comments. Applicants would also like to thank the Examiner for the allowance of claims 20-22. No new matter has been added. In view of the above amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

II. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 10-15 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 3,922,607 to Wysong (hereinafter "Wysong"). (See 04/19/07 Office Action, p. 2).

Wysong describes a system wherein a first subcarrier 15 transmits substantially continuous program material, such as background music, from a program source 17. (See Wysong col. 4, ll. 3-7; Fig. 1.) Simultaneously, a second subcarrier transmits sequential program material 27 alternately with a tone coded address 26. (See Wysong col. 4, ll. 7-25; Figs. 1-2.) Reproduction of program material 27 on the second subcarrier is "preceded by an address code directed toward specifically identified subscribers." (See Wysong col. 1, ll. 64-65.)

Claim 10 has been amended to recite, "which is initiated each time the *end* user has changed the selected channel." Applicant wishes to thank the Examiner for stating in the Advisory Action of June 29, 2007 that narrowing the term user would overcome the cited prior art. Newly amended claim 10 refers to an end user. An end user is one who uses the system

¹ Applicants note that Examiner mistakenly stated that claims 10-37 were pending on page 1 of the 04/19/07 Office Action, instead of claims 10-31.

after it has been created and programmed. By adding the term “end,” the claim excludes a person who preprograms the device. Therefore Applicants submit that claim 10 is now allowable. Because claims 11-15 depend from, and therefore include all the limitations of claim 10, it is respectfully submitted that these claims are also allowable for the same reasons given above with respect to claim 10.

III. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 16 and 23 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Wysong in view of “Integrated Datacasting Solutions for Digital Television” by Motorola (hereinafter “Motorola”). (See 04/19/07 Office Action, p. 4).

Claim 16 has been amended to recite, “a buffer for the intermediate storage of one of the primary, secondary, or tertiary programs while another one of the primary, secondary, or tertiary programs is being played.” The Examiner acknowledges that the prior art does not disclose the use of a buffer for intermediate storage of a stream not being played while the other stream is being played. (See 4/19/07 Office Action p. 7, ll. 19-20.) Accordingly, it is respectfully submitted that amended claim 16 is now allowable.

Independent claim 23 recites, “receiving the transmitted programs; storing at least some of the received programs in a buffer; and differentiating the received data into the primary, secondary and tertiary programs.” Applicants submit that this claim is also allowable for the reasons stated above with respect to claim 16.

IV. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 25-31 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Wysong and Motorola in view U.S. Patent No. 5,886,731 to Ebisawa (hereinafter “Ebisawa”). (See 04/19/07 Office Action, p. 5).

Applicants submit that Ebisawa does not cure the above-described deficiencies of Wysong and Motorola with respect to claim 23. Because claims 25-31 depend from and, therefore, include all the limitations of claims 23, it is respectfully submitted that these claim are also allowable for at least the reasons stated above with respect to claim 23.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

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